

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ABRAHAM S.,¹

No. 3:18-cv-01410-HZ

Plaintiff,

ORDER

v.

COMMISSIONER, SOCIAL
SECURITY ADMINISTRATION,

Defendant.

HERNÁNDEZ, District Judge:

Plaintiff brought this action seeking review of the Commissioner's final decision to deny disability insurance benefits (DIB). The parties stipulated that the case be remanded for further proceedings. The Court entered Judgment on June 26, 2019.

Plaintiff now seeks an award of fees pursuant to 42 U.S.C. § 406(b). Defendant does not oppose Plaintiff's motion. The Court has reviewed the record in the case, the motion, and the


¹ In the interest of privacy, this Order uses only the first name and the initial of the last name of the non-governmental party in this case.

supporting materials, including the award of benefits, the fee agreement with counsel, the United States Department of the Treasury withholding notice, and the recitation of counsel's hours and services. Applying the standards set by *Gisbrecht v. Barnhart*, 535 U.S. 789, 796 (2002), the Court finds that the fees requested by Plaintiff are reasonable.

Plaintiff's unopposed motion for attorney's fees is GRANTED. The Court awards Plaintiff's counsel \$5,423.89 in attorney's fees under 42 U.S.C. § 406(b). The Court previously awarded Plaintiff's attorney fees in the amount of \$2,386.28 under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. Those fees were withheld in their entirety by the Treasury Department to satisfy a delinquent debt owed by Plaintiff. Thus, the Commissioner is directed to send Plaintiff's attorney the full award of \$5,423.89, less any applicable processing fees as allowed by statute. Any amount withheld after all administrative, court, and attorney's fees are paid should be released to Plaintiff.

IT IS SO ORDERED.

DATED: July 23, 2020.



MARCO A. HERNANDEZ
United States District Judge